

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Closed Captioning and Video ) MM Docket No. 95-176  
Description of Video Programming )  
 )  
Implementation of Section 305 of )  
the Telecommunications Act of 1996 )  
 )  
Video Programming Accessibility )

Comments of  
Telecommunications for the Deaf, Inc.

*I. Introduction*

Telecommunications for the Deaf, Inc. (TDI) hereby submits comments in response to the Federal Communications Commission's (FCC) Further Notice of Proposed Rule making (FNPRM) on Closed Captioning and Video Description, released January 14, 1998.

TDI is a national educational and advocacy organization representing people who are deaf, hard of hearing or speech disabled of all ages. Through a national home office stationed in Silver Spring, Maryland, TDI strives to enable the 28 million people with hearing disabilities and 14 million people with speech disabilities to participate fully in mainstream society in the areas of telecommunications, information, and entertainment. Captioning is the critical link to accessing all manners of televised programming.

TDI applauds the current FCC's commitment to public safety concerns employing closed captioning. Following are our comments.

*II. Accessibility of Emergency Information*

Our members require captioning of regional and national news so they can be informed of current events in their communities. People with hearing loss need captioning of all local, regional, national, and international news. Electronic newsroom captioning (ERN), as the FCC recognizes (II.2) is by its very nature, limiting to the viewer with a hearing loss. We support the FCC's definition of "emergency information" (II.3 and II.8) with some additional situations: a) All ongoing broadcasts during extraordinary weather conditions, civil unrest, or military actions and any news of a federal, national, or international level emergency, such as the bombing of the Federal building in Oklahoma and the stock market crash in Asian markets; b) Health-related announcements such as the Mad Cow disease and tainted product recalls; c) Community news such as proposed construction, changes in county master planning or zoning, tax increases, and regional politics. It is through community news that citizens are called upon to act in matters of regional interest, and thereby participate in the democratic process.

TDI is concerned with the current phase-in rules adopted in the Closed Captioning Order, specifically that emergency information is subject to the same requirements as new programming, and that discretion to determine which emergency information should be captioned is left to providers. Such broad rules leave too much to chance, and errors in judgment are bound to cause injury, or worse, deaths, as essential information is not delivered to persons with hearing loss on an equal basis as that delivered to persons without hearing loss. Specifically, we cannot endorse simple "canned" emergency messages—they must be verbatim.

In response to the FCC's request for other possible methods of delivering emergency information, TDI proposes using speech recognition alongside the technology of closed captioning. As news stations usually have a pool of talent that changes only occasionally, incorporating speech recognition into closed captioning is a sensible method. Speech recognition technology is useful especially in situations where the voice is consistent. Currently, "training" the computer software to the nuances of each news correspondent's speech patterns is a necessary step to implement this method. This requirement will eventually be eliminated as the technology advances. Conversion of the resulting text file into closed captions is where TDI cannot offer a solution. We are not aware of the current use of this method anywhere. We ask closed captioning providers, speech recognition experts, and entrepreneurs to address this suggestion in the reply comments phase. Would automating the process of creating closed captions by use of a speech recognition text file be possible and/or practical? Would such an automated process or device address the shortage of qualified real-time captioners as mentioned in the Closed Captioning Order (12 FCC Rcd at paragraph 84)? As stated by the FCC in this Further Notice (II.9), a rule requiring all live news programming be captioned using real-time captioners was declined to allow time for the hiring and training of captioners to meet the increased demands the rule would create. We ask, would the creation of an FCC order establishing a rule and timeline encourage entrepreneurs, speech recognition experts, and closed captioning providers to develop an automated process or a device for real-time captions?

TDI would like to take this opportunity to raise a related issue. What does a deaf or hard of hearing person do when there is an emergency, and they are not watching television? In some jurisdictions, local governments have installed audible warning sirens, which alert hearing people to either find a television and watch the emergency broadcast, or to turn on their AM/FM radio. Unfortunately, this is a useless solution for the deaf or hard of hearing. Some testing has been done and systems developed to address this issue, but they have not been standardized. One promising idea has been to link an alert light to the television which is connected to a radio receiver that obtains emergency broadcast signals.

TDI feels this alert system could be taken a step further. All televisions could be required to have a transmitter installed inside, incorporate this receiver system, and include it as a standard feature of all new televisions sold, much the same way closed captioning decoders and V-chips are now standard equipment. The transmitter built into the television would send signals to other rooms of the house where receivers equipped with a light source would then flash and sound an audible warning, alerting deaf or hard of hearing people to an emergency. With the transmitter always "turned-on" as long as the television is plugged into a power source, the alert system would work, even if the television was turned off. The receivers would be optional equipment sold by television manufacturers that consumers can purchase for their homes and businesses. For cellular or pager users, a similar receiver built into their cellular phones and pagers would alert them to an emergency from transmitters installed on cellular and pager radio towers. For the television,

cellular and pager industries, an FCC order would create an opportunity to sell new products with this built-in feature, which would appeal to the broad public as a safety measure, not just to the deaf or hard of hearing. We encourage the FCC to seek a standardized solution to alert the deaf and hard of hearing in this manner.

TDI agrees fully with the tentative conclusion reached by the FCC (II.12). Specifically, that any textual presentation of emergency information programming be required to incorporate substantially the entire text of the audio portion of the program. We applaud this tentative conclusion and want to emphasize the importance of separating all emergency programming from the benchmarks already in place for new programming. Emergency programming should be captioned immediately, with no consideration given to benchmark levels met previously. Emergencies do not follow schedules, timelines, or benchmarks.

TDI opposes the suggestion of CalTV (II.15), in short, waiting ten minutes, switching to a different channel, and then reading a printed text of the emergency situation, for a number of reasons. Chief among those reasons is the loss of time involved when there is a life-threatening situation underway. It is not a functionally equivalent solution, especially when every minute counts.

TDI objects to the rules that state that once a provider has spent 2% of its gross annual revenues on captioning, no further money need be spent on captioning (II.13). TDI strongly encourages the FCC to suspend this rule to ensure the provision of emergency programming closed captions. The FCC has established guidelines for limits of 2% of gross revenues from eligible providers, and 0% from small providers, creating a class waiver which is unbalanced (II.14). TDI proposes an across the board charge on all gross revenues of all providers, say 0.05% or 0.075%, paid into a fund administered by the FCC. From this fund, rebates for emergency captioning costs are made available to those low-power television stations and small cable operations earning under 1 million dollars in gross revenues per year. Seventy-five percent of their costs for providing emergency programming closed captioning is rebated, while 50 percent of the emergency captioning costs for those small entities earning from 1 million to 3 million in gross revenues is rebated from this fund. Twenty-five percent of emergency captioning costs is rebated to those entities that earn between 3 million and 11 million in gross revenues. Those earning over 11 million in gross revenues would not be entitled to rebates, except where their costs for providing emergency closed captioning alone would put them above and beyond the maximum 2% threshold rule for all captioning as previously established by the FCC. This proposal creates no class waivers, spreads the costs equitably, and ensures the essential access to emergency information for all viewers, 365/366 days a year. These figures are used for illustrative purposes only, with actual amounts and percentages to be determine by analysis of estimated needs and costs.

### *III. Administrative Matters*

#### *An Initial Regulatory Flexibility Analysis for the Further Notice of Proposed Rule Making (IRFA)*

TDI proposes that all classes of providers be required to submit to the above fund, and be eligible to draw rebates. This includes cable operators, multi-channel video program distributors (MVPD), direct broadcast satellite (DBS) operators, multi-point, multi-channel distribution systems (MMDS), open video system (OVS) providers, and local multi-point distribution system (LMDS) providers. We also believe they all should be classified in the same way in terms of gross

revenues generated, as outlined in the preceding paragraph. Having different gross revenue standards for different types of providers is inequitable (III. A. 20-39).

TDI feels that requiring special reporting on emergency programming provided with closed captions should not be regulated (III.A. 40), except in the case where a certain number of complaints have been logged against a provider for non-compliance. We believe requiring these reports unilaterally is an undue burden, and a possible logistical nightmare if it were an across the board requirement. The disincentive of possibly being ordered to maintain reports and public files will help to keep providers in compliance. For those entities who may be eligible for rebates under our above proposal, there is incentive enough to keep track of their own compliance for monetary purposes.

We appreciate the opportunity to comment on this very important issue and thank the FCC for their commitment to equal access to emergency information for all Americans.

Respectfully submitted,

A handwritten signature in black ink that reads "Claude L. Stout". The signature is written in a cursive, flowing style.

Claude Stout  
Executive Director, TDI

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